

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda September 10, 2013 7:00 P.M.

Call to Order

Roll Call of Council Members

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Council Vice President Luis Gonzalez

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations

- (1) Mayor Hernandez proclaims the month of September as Literacy Month.
- (2) Mayor Hernandez proclaims the month of September as Childhood Obesity Awareness Month.
- (3) The Lions Club of Hialeah Pan American presents Certificates of Appreciation to the Cadets of the Hialeah Police Department for their participation as volunteers in their Back to School Shopping Spree Event held on August 13, 2013.

1. Announcement of Amendments/Corrections to the Agenda - **Items 8, 9, 10, 11, and 12 which were passed on first reading on August 27, 2013, will be heard on September 24, 2013 for second reading due to an advertising deadline.**
2. Consent Agenda –
 - A. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to D'Elite Floors of Miami, Inc., for tile installation at the 300-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$25,975.10. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
 - B. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to VisualScape, Inc., for landscaping and irrigation at the 36-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$17,403. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
 - C. Request permission to increase purchase order # 2013-1958, since it is advantageous to the City due to time constraints, issued to Federal Security of America, L.L.C., for unarmed security guard, for the 36-Unit Elderly Housing Project, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$40,000. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
 - D. Request permission to increase purchase order # 2013-1469, since it is advantageous to the City, issued to Hurst Awning Company, Inc., for additional work to the impact windows and glass doors, for the 36-Unit Elderly Housing Project, by an additional amount of \$959.18, for a new total cumulative amount not to exceed \$115,751.98. Hurst Awning Company, Inc., was awarded the impact windows and glass doors bid during the meeting of December 12, 2012. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
 - E. Request permission to issue a new purchase order to Caiman Fire Service Inc., since it is advantageous to the City, for additional fire protection at the 72-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$5,937.00. Caiman Fire Services, Inc., was awarded the fire protection during the meeting of June 12, 2012 in the amount of \$84,000, and on August 13, 2013 the Council approved to issue a purchase order in the amount of \$26,950 for additional fire protection. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
 - F. Request permission to increase purchase order # 2013-383, since it is advantageous to the City due to time constraints for emergency repairs, issued to South Florida Appliance, Inc., for supplies and materials, by an additional amount of \$5,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
 - G. Request permission to issue a purchase order to HD Supply Power Solutions, LTD., since it is advantageous to the City, for additional light fixtures for the 72-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$3,417.43. On March 26, 2013 HD

Supply Power Solutions, LTD., was awarded the light fixtures in the amount of \$148,138.69, and on August 13, 2013 the Council approved to increase purchase order # 2013-2013 in the amount of \$3,235.95. (CONSTRUCTION AND MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)

- H.** Proposed resolution authorizing the Mayor and/or his designee to receive an award, in the amount of \$500,000.00, and to execute any and all documents, from the State of Florida Department of Elder Affairs, under the Alliance for Aging, Inc., for the provision of additional congregate and homebound delivered meals throughout the City, for the period of July 1, 2013 to June 30, 2014, and further authorizing the Mayor and his designee on behalf of the City of Hialeah, Florida to execute an agreement with the Hialeah Housing Authority for the provision of these services. (DEPT. OF GRANTS & HUMAN SERVICES)
- I.** Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a Professional Services Agreement with Oneyda Paneque, Ed.D. to provide evaluation services for the City's Afterschool Creative Learning & Play Program funded by The Children's Trust, in an amount not to exceed \$8,000, in substantial from as attached hereto and made a part hereof as Exhibit "1". (DEPT. OF EDUCATION AND COMMUNITY SERVICES)
- J.** Report of Scrivener's Error – City Council Budget Meeting Agenda of September 27, 2012, Item 2. The account number reported for the Department of Health-Snack Fund in the budget was incorrect. The corrected revenue account is 138.3120.334.690.

Report of Scrivener's Error – City Council Agenda of August 13, 2013, Item EEE. The correct expenditure account is 138.3120.569.830. (DEPT. OF EDUCATION AND COMMUNITY SERVICES)

- K.** Request from the City's Education and Community Services Department for a street closure permit for the City's Triangle Park Holiday Lighting Ceremony, at Palm Avenue from West 3rd Street to Okeechobee Road and West 3rd Street bordering Triangle Park from Palm Avenue to Okeechobee Road, on Friday, November 22, 2013 from 5:00 p.m. to 11:00 p.m. (DEPT. OF EDUCATION AND COMMUNITY SERVICES)
- L.** Request permission to utilize the State of Florida Enterprise Agreement, and award the contract to renew the City's City Wide Microsoft Software Licenses with Microsoft Corporation, sole source manufacturer, for a total cumulative annual amount of \$139,275.46, for three years for a total investment of \$417,826.38. (DEPT. OF EDUCATION AND COMMUNITY SERVICES)
- M.** Proposed resolution authorizing the application for, and the acceptance of, a State Aid to Libraries Operating Grant from the Florida Department of State, Division of Library and Information Services, for the fiscal year 2013-2014, in an amount based on the City library's operating expenses for fiscal year 2011-2012 and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a State Aid to Libraries Grant Agreement in furtherance thereof. (LIBRARY DIV.)

- N. Proposed resolution approving the Annual Plan of Service for the Library Division for fiscal year 2013-2014 and three-year Technology Plan for fiscal year 2013-2014 through 2015-2016 for submittal to the State Library of Florida in order to maintain eligibility as a recipient of state and federal funds. (LIBRARY DIV.)
- O. Request permission to make payments to Hialeah Housing Authority for the Senior Citizens Activities, for a total amount not to exceed \$33,960. Further, request permission to make payments to the Hialeah Housing Authority, for the Hot Lunch Program, for a total amount not to exceed \$135,000. (OFFICE OF MANAGEMENT AND BUDGET)
- P. Request permission to make required payments to various vendors, for services and utilizes, including utilities of telephones and electric, purchase of water, sewage disposal, solid waste dumping fees, postage and insurance, for a total cumulative amount not to exceed \$73,136,768. (OFFICE OF MANAGEMENT AND BUDGET)
- Q. Request permission to issue a new purchase order to Mity-Lite, Inc., to purchase 250 additional chairs for the Milander Auditorium, for a total cumulative amount not to exceed \$7,392.50. During the meeting of April 9, 2013, Mity-Lite, Inc., was awarded the purchase of tables, chairs, carts for tables and chairs, and dance floors for Milander Auditorium, in the amount of \$98,383.70. (DEPT. OF PARKS AND RECREATION)
- R. Request permission to issue a purchase order to Coca-Cola Refreshments USA, Inc., d/b/a Florida Coca-Cola Bottling Company, for the purchase of Coca-Cola products for the City's concession operations and for various special events throughout the year, for a total cumulative amount not to exceed \$30,000 for fiscal year 2013-2014. (DEPT. OF PARKS AND RECREATION)
- S. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to the following companies: Sysco South Florida, Inc.; Cheney Bros., Inc.; and Caraballo Distributors, Corp., to purchase necessary food and miscellaneous items for all concession stands and special events based on availability and the lowest price, for a total cumulative amount not to exceed \$34,500 for fiscal year 2013-2014. (DEPT. OF PARKS AND RECREATION)
- T. Proposed resolution authorizing the transfer of an amount not to exceed ninety one thousand and nineteen dollars and twenty one cents (\$91,019.21) from the Law Enforcement Trust Fund – State, for costs associated with protracted and complex investigations, to satisfy vehicle liens, for confidential police informant fees, and to acquire investigative equipment or expertise, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- U. Request permission to increase purchase order # 2013-1847, issued to Florida Bullet Incorporated, sole source distributor for Speer brand law enforcement ammunition in the State of Florida, for the purchase of ammunition for training, officer certifications, and for the S.W.A.T. Team, by an additional amount of \$1,939, for a new total cumulative amount not to exceed \$18,978.50. (POLICE DEPT.)

- V. Request permission to increase purchase order # 2013-2844, issued to Lou's Police Distributors, Inc., for the purchase of uniform items, by an additional amount of \$13,921.91, for a new total cumulative amount not to exceed \$30,931.12. (POLICE DEPT.)
- W. Pursuant to the Hialeah Code, the Finance Director submits to the City Council, the quarterly revenue, expenditure and operating cash reports for the City's operating fund (i.e. General Fund), for April through June 2013. (FINANCE DEPT.)
- 3. Second reading and public hearing of proposed ordinance revising the final Hialeah, Fla., Land Development Code to reflect pertinent changes to the Hialeah Code and relevant changes in State law enacted since the date of the last revision, including, but not limited to, amending Land Development Regulation No. 7 entitled "Sign Regulation" and Land Development Regulation No. 10. Subdivision of Land; repealing all ordinances or part of ordinances in conflict therewith; providing penalties for violation hereof; providing for inclusion in the Hialeah, Fla., Land Development Code and the Hialeah Code; proving for a severability clause and providing for an effective date. (ADMINISTRATION)
- 4. Second reading and public hearing of proposed ordinance of the Mayor and the City Council of the City of Hialeah, Florida amending Chapter 18 entitled "Businesses" of the Code of Ordinances and in particular, Article III entitled "Amusement Machines", and in particular, increasing the hauling fee in connection with the seizure of amusement machines from \$125.00 to \$250.00 for each machine; increasing the storage fee from \$10.00 to \$50.00 for each machine for each day in storage; and further providing that the certificate of authorization fee and the fee for type II machines are nonrefundable; revising definitions to comply with changes in state law; and providing for a second decal with warning that the amusement machine may not be used for gambling and that violators are subject to criminal prosecution. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)
- 5. First reading of proposed ordinance of the Mayor and the City Council of the City of Hialeah, Florida authorizing granting an easement to Miami-Dade County to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect water transmission and distribution facilities at Pump Station 200 fronting the south side of West 80 Street, Hialeah, Florida, in an area having 1,867 square feet, more or less, and more particularly described in the surveyor's sketch attached hereto and made a part hereof as Exhibit "1". (LAW DEPT.)
- 6. First reading of proposed ordinance initiating and requesting a proposed boundary change of the City of Hialeah, Florida, in order to annex property bearing the legal description contained in Composite Exhibit "1"; authorizing the Mayor and the Acting City Clerk and other proper city officers and officials to take any and all actions as may be necessary to submit a request for the proposed boundary change to the Board of County Commissioners of Miami-Dade County, Florida; and authorizing the Acting City Clerk to transmit copies of this ordinance to the Clerk of the County Commission; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

7. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance granting a variance permit to allow a waiver of plat pursuant to Hialeah Code §98-831; granting a variance permit to allow a lot coverage of 45.9%, where a maximum of 43% is allowed, and to allow a rear setback of 6 feet where a minimum of 15 feet are required, contra to Hialeah Code §§ 98-828(3), and § 98-830. **Property located at 3133 West 70 Terrace, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Jannett A. Pusey*)
- PZ 2.** First reading of proposed ordinance granting a Special Use Permit (SUP) to allow storage, repair and sales of vending machines on property zoned C-1 (Restricted Retail Commercial District). **Property located at 925-955 Hialeah Drive, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Reinaldo Alvarez*)
- PZ 3.** First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the operation of a Construction Debris Transfer Station on property zoned M-3 (Industrial District). **Property located at 2500 West 3 Court, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Agustin Exposito*)
- PZ 4.** First reading of proposed ordinance rezoning property from R-1 (One Family District) to M-1 (Industrial District). **Property located at 900 East 56 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: City of Hialeah*)
- PZ 5.** Recommendation of denial from the Planning and Zoning Official for a Special Use Permit (SUP) to allow the usage of a cooking oil recycling plant on property zoned M-1 (Industrial District), and for granting a variance permit to allow all existing parking spaces to back-out in the street, only allowed in low density residential districts; waive all of the City of Hialeah Landscape Manual requirements, which include 7' landscape buffer between the off-street parking and the right-of-way; one tree pre 35 linear feet of right-of-way perimeter

and on tree for each 80 square feet of landscaped area. Property located at **4480 East 11 Avenue, Hialeah**. (*Applicant: Frantz Turnier*)

PZ 6. Recommendation of denial from the Planning and Zoning Official for the rezoning from R-1 (One Family District) to R-2 (One and Two Family District) and for granting a variance permit to allow a lot coverage of 33% (maximum of 30% allowed), and allow an existing rear setback of 20.71' (25' required). Property located at **701 East 24 Street, Hialeah**. (*Applicant: Raimundo Bocanegra and Jennie Bocanegra*)

PZ 7. Recommendation of denial from the Planning and Zoning Official for a variance permit to allow a total lot coverage of 38% (maximum of 30% required); west side setback of 6.9' for existing residence and east side setback of 3.9', for open terrace (7.5' required for each). Property located at **333 East 15 Street, Hialeah** zoned R-2 (One and Two Family Residential District). (*Applicant: Maria T. Vergaras and Miguel A. Perez*)

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 13-08 that granted adjustments on condition that the terrace remain an open terrace and all additions or modifications built without the benefit of a building permit be legalized within 180 days from the effective date of this resolution, property located at **4100 East 7 Avenue, Hialeah, Florida**; and providing for an effective date. (*Applicant: Farzana Merchant*)

NEXT CITY COUNCIL MEETING: September 24, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: November 26, 2013 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).